IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 795 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Mrs. M.H.Mhatre, APP for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the state impugning the judgment and order passed by the II Adhoc Additional Sessions Judge, Nashik on 15.01.2004 acquitting the accused for the offences punishable under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 7(1)(d) of the Protection of the Civil Rights Act. On perusal of the impugned judgment and order, it is seen that the same has been passed on cogent and acceptable reasons. It is

observed that there was unexplained delay of 19 days in lodging the F.I.R. The F.I.R. appears to have been lodged on 3.7.01, i.e., after about 19 days of the incident. Apart from this, it was also admitted case that the incident had taken place in the kitchen of the house of the accused and nobody had witnessed the incident. The complainant admitted that windows of the house of the accused were covered with curtains. Finding was that incident could not said to have occured in public view which was requisite of the section.

2. In view of the above, view taken is a possible view. In the circumstances, leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)